

Application No. 10/712,974
Paper Dated: October 20, 2006
In Reply to USPTO Correspondence of September 22, 2006
Attorney Docket No. 5329-031963

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith corrected drawing sheets as requested by the Examiner. Approval of the corrected drawing sheets is respectfully requested.

Attachments: Replacement Sheets

REMARKS

This Amendment provides corrected drawings; cancels claims 2, 6, and 12-15; and amends claims 1, 3-5, and 18 in accordance with the original disclosure. Support for the claim amendments is found, for example, in paragraph 0024 of the specification, in canceled claims 2 and 6, and in Figs. 3 and 4. Claims 1, 3-5, 7-11, and 16-20 remain in this application.

In the Drawings

The drawings were objected to for generally poor quality. Applicant has enclosed new copies of the drawings. If the enclosed drawings are again objected to, Applicant will prepare new formal drawings.

Additionally, the drawings were objected to for not showing features of the claims. For example, claims 4 and 9 were objected to because the drawings did not show the wiper “in the form of a brush”. Applicant respectfully disagrees. Fig. 3 shows the wiper 9 with bristle protrusions and, therefore, it is believed that Fig. 3 shows the wiper in the form of a brush. Claims 5, 10, and 11 were objected to for the lever not being shown as a “parallel arm”. Applicant respectfully disagrees. As discussed in paragraph 0024, the term “parallel arm” means “straight arm” and the wiper is shown as a straight arm in Figs. 3 and 4.

Therefore, reconsideration of the objections to the drawings is respectfully requested.

Objection to the Specification

The Abstract was objected to for use of the legal term “means”. As set forth above, Applicant has deleted this term from the Abstract. Reconsideration of the objection to the Abstract is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 1-17 stand rejected for indefiniteness for the reasons set forth in paragraph 5 of the Office Action. As set forth above, Applicant has amended the claims to address the Examiner’s indefiniteness rejections. Specifically, with respect to claim 1, the term “in the vicinity of” has been changed to “in the flow path of”. With respect to claim 2, the pronoun “it” has been replaced with “the lever arm”. The term “drive means” in claim 2

has been replaced by "manual lever". The "manual lever" in claims 6 and 12-14 has been added to claim 1.

In view of the above amendments, reconsideration of the rejections of claims 1-17 is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-5 and 9-11 stand rejected for anticipation by U.S. Patent No. 4,439,218 to Priepke et al. (hereinafter "Priepke"). Claims 1, 2, 5, 7, 15, 18, and 19 stand rejected for anticipation by U.S. Patent No. 3,155,473 to McNeil. Claims 1-4, 7-9, and 15-20 stand rejected for anticipation by U.S. Patent No. 6,432,152 to Frerich. Claims 1-3, 7, 8, 15, 16, and 18-20 stand rejected for anticipation by U.S. Patent No. 3,837,149 to West et al. (hereinafter "West"). In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to an industrial truck comprising a radiator, a cooling air line, and a filter device located in the flow path of the cooling air line. The filter device includes a stationary screen non-removably integrated into the cooling air line. The cleaning device is connected with the screen. The cleaning device includes a wiper configured to be moved in a non-rotary path along an outside surface of the screen. The wiper is fastened to a lever arm that is connected with a manual lever such that the lever arm can be manually actuated from outside the cooling air line. Thus, in the present invention, the wiper is moved non-rotatingly, i.e., up and down, on the surface of the screen by the manual lever as described in the specification at paragraph 0024.

Priepke is directed to a radiator cleaning means having a screen 26 to prevent debris passing to the radiator 20. To clean the outer face of the screen 26, flexible strips 44 are attached to flanges 42 that rotate around a central shaft 38.

McNeil discloses another rotary-type device in which a sweeper 23 is fixed to a central shaft 14 and rotate around a central stub 22 and contact a flat screen 5.

Frerich discloses an engine cooling assembly in which brushes 46, 48, and 50 contact the front of a sieve 36 having small openings 44 located in front of a cooler 32. The brushes 46, 48, and 50 are located one above the other and rotate independently around a central common axis 52.

West discloses a combine cooling arrangement having a rotary drum-type air filter 84 that rotates around an axial shaft 90. An L-shaped vacuum chamber 132 is mounted adjacent to the rotary screen and acts to remove debris from the rotating screen.

None of these references, either alone or in combination, fairly teaches or suggests the structure in amended claim 1 of a stationary screen located in the flow path of a cooling air line of an industrial truck having a wiper configured to be moved in a non-rotary path along an outside surface of the screen. Nor to these references teach or suggest a wiper connected to a lever arm that is connected to a manual lever such that the lever arm can be manually actuated from outside the cooling air line. Therefore, claim 1, as amended, is not anticipated by the cited references. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 3-5, 7-11, 16 and 17 depend either directly or indirectly from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Claim 18 has been amended to include the limitation that the wiper is connected to a lever arm connected to a manual lever such that the lever arm can be manually actuated from outside of the cooling air line. As discussed above, none of the cited references teaches or suggests this limitation. Therefore, claim 18, as amended, is not anticipated by the cited references.

Claims 19 and 20 depend from claim 18 and are not believed to be anticipated for the same reasons as claim 18.

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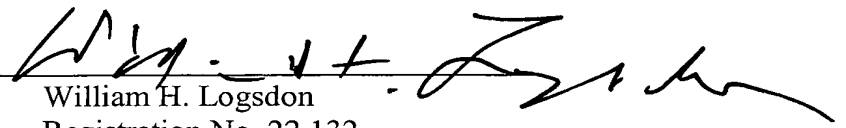
Conclusion

In view of the accompanying corrected drawings and the above amendments and remarks, reconsideration of the objections and rejections and allowance of claims 1, 3-5, 7-11, and 16-20 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By



William H. Logsdon
Registration No. 22,132
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com